

Amendments to the Drawings:

The sheet of drawings attached in the Appendix includes changes to Figs. 5 and 6. This sheet replaces the original sheet. The drawings have been changed as follows: The lead lines for rib 28 and tension ring 26 in Figures 5 and 6 have been moved slightly for clarity.

REMARKS

Applicants have read and considered the Office Action dated August 13, 2007 and the references cited therein. Claims 1 and 11 have been amended to respectively incorporate the subject matter of claims 61 and 67, which have been cancelled. Claims 10 and 21-60 were previously cancelled. Claims 1-9, 11-20, 62-66 and 68-80 are currently pending.

Support for amendments made can be found throughout the specification and drawings as originally filed. It is believed that no new matter has been added to the present patent application by the present response.

1. Objection to the Drawings

On page 2 of the Office Action, the drawings were objected to alleging that the tension ring 26 is not distinguishable from the rib 28 on the tension ring 26. In response, the Applicants respectfully submit that the drawings are clear when referring to the specification and do not need to be amended. However, the lead lines on Figures 5 and 6 have been moved slightly for clarity. No new matter has been added.

Specifically, as described on page 7, lines 11-24 of the specification as filed, in the embodiment shown in the drawings, the tension ring 26 is an element of the lid 22 that is provided to retain the cap 10 on the neck 18 of the bottle 12. In the embodiment shown, the tension ring 26 can be viewed both internally and externally of the cap 10. In the embodiment shown, the rib 28 is an inwardly extending element (e.g., an internal projection or protrusion) of the tension ring 26 for engaging the neck 18 of the bottle 12. Thus, the rib 28 can be viewed only internally of the cap 10. The lead lines in Figures 5 and 6 have been moved to clearly show the rib 28 and the tension ring 26. As this is fully supported, no new matter has been added.

Accordingly, it is respectfully submitted that the tension ring 26 is clearly distinguishable from the rib 28 when referring to the specification and that, as such, the drawings do not need to be amended. It is therefore respectfully requested that the objection to the drawings be withdrawn.

2. Rejection of Claims 11, 12 and 67-80 under 35 USC 102

On pages 2 and 3 of the Office Action, claims 11, 12, 67 and 68 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,937,921 to Guglielmini (hereinafter referred to

as “Guglielmini”). Claims 11, 12 and 67-80 were also rejected under 35 USC 102(b) as being anticipated by U.S. Patent 4,735,337 to Von Holdt (hereinafter referred to as “Von Holdt”).

As discussed below, the Applicants respectfully submit that claims 11, 12 and 68-80, as amended, are allowable and respectfully request that the rejections of these claims be withdrawn.

Independent claim 11

Independent claim 11 has been amended and incorporates an element recited in claim 67, which is now cancelled. Claim 11 is reproduced below with this element being emphasized:

11. A threadless cap for closing a potable liquid bottle, the potable liquid bottle having a neck with an upper edge defining a discharge opening, said threadless cap comprising:

a lid for overlying and sealing the discharge opening, said lid including a tension ring for retaining said cap on the neck of the bottle, said tension ring having an inwardly extending rib for engaging the neck of the bottle;
and

a skirt depending from said lid, said skirt including a line of weakness facilitating a manual tear of said skirt, said line of weakness extending along a portion of a perimeter of said skirt, said line of weakness including a portion extending across said tension ring to reduce a retaining force exerted by said tension ring on the neck of the bottle when a tear line propagating as a result of a manual pull applied on said skirt extends across said tension ring, **said line of weakness being configured such that the tear line propagates along the portion of the perimeter of said skirt and subsequently propagates along the portion extending across said tension ring.**

It is respectfully submitted that neither Guglielmini nor Von Holdt teaches or suggests a threadless cap for closing a potable liquid bottle having a neck with an upper edge defining a discharge opening, wherein the threadless cap comprises a skirt including a line of weakness that is configured such that a tear line propagating as a result of a manual pull applied on the skirt propagates along a portion of a perimeter of the skirt and **subsequently** propagates along a portion extending across a tension ring of the threadless cap¹.

¹ It is noted that this emphasized element of claim 11 was claimed in claim 67 (now cancelled) but was nowhere addressed in the Office Action.

Guglielmini

Guglielmini describes a capsule 3 for a bottle having a neck 1. The capsule 3 includes a skirt 5 having an inside bead 7 that engages an outside bead 2 of the neck 1 of the bottle. The capsule 3 also includes a line of weakness 17 that extends from a free end of the skirt 5, across the inside bead 7, to a point between the inside bead 7 and an end wall 4 of the capsule 3 (col. 4, lines 26-31 and Figs. 1 and 3).

Guglielmini's line of weakness 17 is not configured such that a tear line propagating as a result of a manual pull applied on the skirt 5 propagates along a portion of a perimeter of the skirt 5 and subsequently propagates along a portion extending across the inside bead 7. On the contrary, Guglielmini's line of weakness 17 is configured in the *opposite* manner, i.e., it is configured such that a tear line propagating as a result of a manual pull applied on the skirt 5 propagates *first* across the inside bead 7 and then along a portion of a perimeter of the skirt 5. Accordingly, not only does it fail to teach or suggest the claimed line of weakness' configuration, Guglielmini actually *teaches away* from that configuration.

The recited line of weakness, which is configured such that a tear line propagating as a result of a manual pull applied on the skirt propagates along a portion of a perimeter of the skirt and subsequently propagates along a portion extending across a tension ring of the threadless cap, provides advantages that are not provided by Guglielmini's opposite configuration (i.e., a configuration whereby a tear line propagates first across the inside bead 7 and then along the perimeter of the skirt 5). For example, due to the configuration of Guglielmini's line of weakness 17, when a user manually tears the skirt 5 and the inside bead 7 is interrupted, there may no longer be sufficient force to prevent Guglielmini's capsule 3 from freely rotating on the bottle's neck 1 as the user manually tries to continue tearing the skirt 5 along the portion of the line of weakness 17 extending along the perimeter of the skirt 5. This may result in the user having to use one hand to hold the capsule 3 in place while using the other hand to continue tearing the skirt 5 along the line of weakness 17. Such inconveniences and difficulties presented by Guglielmini's capsule 3 are not encountered with the claimed threadless cap by virtue of the claimed line of weakness' configuration that is such that the tension ring is only ruptured after the skirt is torn along a portion of its perimeter.

Von Holdt

Von Holdt describes a plastic lid 12 for a paint bucket 10 or similar large container or drum. The plastic lid 12 includes a gripping flange 18 having a tear strip 16 that can be manually removed to permit easy removal of the lid 12 from the paint bucket 10 as well as easy reattachment of the lid 12 on the paint bucket 10 thereafter. The gripping flange 18 defines a tear line 24 following a zig-zag path so that, as the tear strip 16 is manually separated from a remainder of the gripping flange 18, certain portions 28 of the gripping flange 18 remain attached to the paint bucket 10, thereby retaining the lid 12 on the bucket 10 as well as allowing the lid 12 to be reattached to the bucket 10 after it is removed (col. 1, lines 5-10 and 28-39; col. 2, line 59 to col. 3, line 53; and Figs. 1-4).

Von Holdt strictly relates to paint buckets or similar large containers or drums that may need to be closed with their lid after being initially opened. Unsurprisingly, therefore, Von Holdt is totally unconcerned with, and makes absolutely no mention or suggestion of, a potable liquid bottle having a neck with an upper edge defining a discharge opening. As it fails to disclose a potable liquid bottle having a neck, Von Holdt cannot possibly be held to teach or suggest the claimed threadless cap for closing a potable liquid bottle and in particular the claimed lid for overlying and sealing the discharge opening of the neck of the potable liquid bottle and including a tension ring for retaining the claimed cap on the neck of the potable liquid bottle. In itself, this failure of Von Holdt to teach or suggest a threadless cap for closing a potable liquid bottle having a neck with a discharge opening precludes any rejection of claim 11 as being anticipated by Von Holdt.

Furthermore, and notwithstanding Von Holdt's failure to teach or suggest a threadless cap for closing a potable liquid bottle, the zig-zag path followed by Von Holdt's tear line 24 is such that the tear line 24 extends *alternately* along the perimeter of the gripping flange 18 and across different sections of a projection 20 of the gripping flange 18. This zig-zag path in no way can be interpreted to be the recited line of weakness, whereby a tear line propagating as a result of a manual pull applied on the skirt propagates along a portion of a perimeter of the skirt and subsequently propagates along a portion extending across a tension ring of the claimed threadless cap.

It is thus apparent that neither Guglielmini nor Von Holdt teaches or suggests a threadless cap for closing a potable liquid bottle having a neck with an upper edge defining a discharge

opening, where the threadless cap comprises a skirt including a line of weakness that is configured such that a tear line propagating as a result of a manual pull applied on the skirt propagates along a portion of a perimeter of the skirt and subsequently propagates along a portion extending across a tension ring of the threadless cap.

Accordingly, it is respectfully submitted that each of Guglielmini and Von Holdt fails to teach or suggest at least one element of claim 11. Thus, neither Guglielmini nor Von Holdt anticipates claim 11. Applicants respectfully request that the rejection of claim 11, which is believed to be allowable, be withdrawn.

Dependent claims 12, 68-72

Each of claims 12 and 68-72 depends on claim 11 and thus incorporates by reference all of the elements of that base claim, including that shown above to be absent from Guglielmini and Von Holdt. Accordingly, for the same reasons as those presented above in respect of claim 11, Applicants respectfully request that the rejections of claims 12 and 68-72 be withdrawn, as these claims are believed to be allowable.

Independent claim 73

Claim 73 is reproduced below with certain elements being emphasized:

73. A threadless cap for closing a water bottle, the water bottle having a neck with an upper edge defining a discharge opening, said threadless cap comprising:
- a lid for overlying and sealing the discharge opening, said lid including a tension ring for retaining said cap on the neck of the bottle, said tension ring having an inwardly extending rib for engaging the neck of the bottle; and
 - a skirt depending from said lid, said skirt including:
 - **a first weakness line segment below said tension ring and extending along said tension ring for at least half of a perimeter of said tension ring;**
 - **a second weakness line segment extending across said tension ring; and**
 - **a pull tab to initiate a tear which propagates along said first weakness line segment in order to partially separate said skirt from said lid and then along said second weakness line**

segment to rupture said tension ring and allow removal of said cap from the neck.

For reasons similar to those discussed above in relation to claim 11, Von Holdt does not teach or suggest a threadless cap for closing a water bottle having a neck with an upper edge defining a discharge opening, let alone a threadless cap comprising a skirt including a pull tab to initiate a tear which propagates along a first weakness line segment extending along a tension ring for at least half of a perimeter of the tension ring in order to partially separate the skirt from a lid of the cap and then along a second weakness line segment extending across the tension ring to rupture the tension ring and allow removal of the cap from the neck.

Accordingly, Von Holdt fails to teach or suggest at least one element of claim 73 and thus does not anticipate that claim. Applicants respectfully request that the rejection of claim 73 be withdrawn as this claim is believed to be allowable.

Dependent claims 74-80

Each of claims 74-80 depends on claim 73 and thus incorporates all of the elements of that base claim, including those shown above to be absent from Von Holdt. Accordingly, for the same reasons as those presented above in respect of claim 73, it is respectfully requested that the rejections of claims 74-80 be withdrawn, as these claims are believed to be allowable.

3. Rejection of Claims 1-9, 13-20, 61-66 and 70-72 under 35 USC 103

On page 3 of the Office Action, claims 1-9 and 61-66 were rejected under 35 USC 103(a) as being unpatentable over Guglielmini in view of U.S. Patent 3,392,862 to Faulstich (hereinafter referred to as "Faulstich"). Claims 13-20 and 70-72 were also rejected under 35 USC 103(a) as being unpatentable over Guglielmini in view of Faulstich.

As discussed below, the Applicants respectfully submit that claims 1-9, 13-20, 61-66 and 70-72 are allowable and respectfully request that the rejections of these claims be withdrawn.

Independent claim 1

Independent claim 1 has been amended to incorporate an element claimed in claim 61, which is now cancelled. Claim 1 is reproduced below with this element being emphasized:

1. A threadless cap for closing a potable liquid bottle, the potable liquid bottle having a neck with an upper edge defining a discharge opening, said threadless cap comprising:
 - a lid for overlying and sealing the discharge opening, said lid including a tension ring for retaining said cap on the neck of the bottle, said tension ring having an inwardly extending rib for engaging the neck of the bottle;
 - a skirt depending from said lid, said skirt including a line of weakness facilitating a manual tear of said skirt, said line of weakness extending along a portion of a perimeter of said skirt, said line of weakness including a portion extending across said tension ring to reduce a retaining force exerted by said tension ring on the neck of the bottle when a line of tear propagating as a result of a manual pull applied on said skirt extends across said tension ring, **said line of weakness being configured such that the line of tear propagates along the portion of the perimeter of said skirt and subsequently propagates along the portion extending across said tension ring;** and
 - a tear stop for preventing the line of tear to propagate beyond said tear stop.

It will be appreciated that the above-emphasized element of claim 1 mirrors that discussed above in connection with claim 11². Thus, for the same reasons as those presented above in respect of claim 11, it is respectfully submitted that Guglielmini neither teaches nor suggests (and in fact *teaches away* from) a threadless cap comprising a skirt including a line of weakness that is configured such that a tear line propagating as a result of a manual pull applied on the skirt propagates along a portion of a perimeter of the skirt and subsequently propagates along a portion extending across a tension ring of the threadless cap.

It is respectfully submitted that Faulstich also fails to teach or suggest this element of claim 1, which is missing from Guglielmini. Specifically, Faulstich describes a tearable bottle cap 31 that can be manually torn along a score line in order to remove it from a bottle. The score line has a vertical segment 45 extending from a bottom edge of a skirt of the cap 31, a slanted segment 46, and a horizontal segment 47 extending below a ring 34 which helps to retain the cap 31 on the bottle's neck (col. 3, lines 1-36 and Figs. 1-4). Faulstich's score line 45, 46, 47 does not have a portion extending across the ring 34. Faulstich therefore cannot possibly teach or suggest the recited line of weakness that is configured such that a tear line propagating as a result

² It is noted that this emphasized element of claim 1 was claimed in claim 61 (now cancelled) but was nowhere addressed in the Office Action.

of a manual pull applied on the skirt propagates along a portion of a perimeter of the skirt and subsequently propagates along a portion extending across a tension ring of the threadless cap.

Accordingly, Guglielmini and Faulstich, whether taken separately or together, fail to teach or suggest at least one element of claim 1. This failure of the cited references to teach or suggest all of the claimed elements precludes a finding of obviousness in respect of claim 1. Moreover, as Guglielmini actually *teaches away* from the claimed line of weakness' configuration, combining Guglielmini with any reference (including Faustich) cannot support a contention of obviousness. Applicants therefore respectfully request that the rejection of claim 1 be withdrawn, as it is believed to be allowable.

Dependent claims 2-9 and 62-66

Each of claims 2-9 and 62-66 depends on claim 1 and thus incorporates all of the elements of that base claim, including that shown above to be absent from Guglielmini and Faulstich. Accordingly, for the same reasons as those presented above in respect of claim 1, Applicants respectfully request that the rejection of claims 2-9 and 62-66 be withdrawn, as these claims are believed to be allowable.

Dependent claims 13-20 and 70-72

Each of claims 13-20 and 70-72 depends on claim 11 and thus incorporates by reference all of the elements of that base claim, including that shown above to be absent from Guglielmini, namely a threadless cap comprising a skirt including a line of weakness that is configured such that a tear line propagating as a result of a manual pull applied on the skirt propagates along a portion of a perimeter of the skirt and subsequently propagates along a portion extending across a tension ring of the threadless cap.

As shown above in respect of claim 1, Faulstich also fails to teach or suggest this recited element, which is missing from Guglielmini.

Accordingly, Guglielmini and Faulstich, whether taken separately or together, fail to teach or suggest at least one element of each of claims 13-20 and 70-72 (by virtue of their dependence on claim 11). This failure of the cited references to teach or suggest all of the claimed elements precludes a finding of obviousness in respect of claims 13-20 and 70-72. Moreover, as Guglielmini actually *teaches away* from the claimed line of weakness'

configuration, combining Guglielmini with any reference (including Faustich) cannot support a contention of obviousness. Applicants therefore respectfully request that the rejection of claims 13-20 and 70-72 be withdrawn, as those claims are believed to be allowable.

Conclusion

Claims 1-9, 11-20, 62-66 and 68-80 are believed to be in condition for allowance. Favorable reconsideration is requested. Allowance of the present patent application is earnestly solicited.

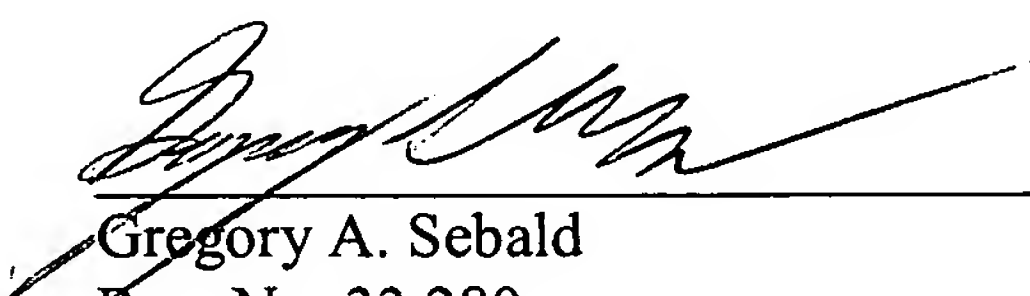
If the claims of the present patent application are not considered to be in full condition for allowance, for any reason, the Applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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